

FILED

SEP 27 2007

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

Gloria L. Franklin
Clerk of Court

San Francisco Bankruptcy Court
235 Pine St.
P.O. Box 7341
San Francisco, CA 94120-7341

(415) 268-2300

Richard W. Wieking, Clerk
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102-3489

Re Pros Rivera, *Related BK Case: 05-32090 TEC 7*
Adversary Proceeding Case: Ivey v. Rivera 05-3441
Bankruptcy Judge Thomas Carlson
District Court Case No.: C-07-4333 PJH

Dear Mr. Wieking:

[X] Enclosed please find a conformed copy of Appellant Designation of Contents For Inclusion in Record On Appeal , Statement of Issues, Certificate of Service (Documents filed on 8/27/07); and Amended Notice of Appeal, Amended Separate Statement of Election, Amended Designation of Contents and Certificate of Service (Documents filed by appellant on 8/30/07 to correct clerical errors).

[X] The record of designated items and a certificate of record for the appeal are to follow once the designated records are submitted to the bankruptcy court.

GLORIA L. FRANKLIN, Clerk
United States Bankruptcy Court

Dated: September 27, 2007

By: **QUAN LU**
Deputy Clerk

FILED

AUG 27 2007

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Willie E. Phillips #56009
LAW OFFICES OF WILLIE E. PHILLIPS
484 Lake Park Avenue, #335
Oakland, California 94610

Tel: (510) 451-2222

Fax: (510) 451-2235

Attorney for Creditor
Cherie Ivey

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

PROS RIVERA,

Debtor.

CHERIE IVEY,

Plaintiff,

vs.

PROS RIVERA,

Defendant.

CASE NO. 05-32090 TEC

CHAPTER 7

ADVERSARY NO. 05-3441

DESIGNATION OF CONTENTS FOR
INCLUSION IN RECORD ON APPEAL,
AND STATEMENT OF ISSUES ON APPEAL

The Plaintiff herein, Cherie Ivey, filed and Appeal on August 17, 2007 and hereby files this as her Designation of Contents for Inclusion in the Record on Appeal, and Statement of Issues on Appeal:

The following shall be included in the RECORD ON APEAL:

1. Plaintiff's Complaint to Determine Dischargeability.
2. Defendant's Answer.

3. The entire transcript of the one day Bankruptcy Trial that took place on June 22, 2007 in the Bankruptcy Court of Judge Thomas E. Carlson.

4. The entire Deposition of Pros Rivera taken on May 22, 2007 and submitted to the Court for Trial.

5. The Plaintiff's Trial Brief filed with the Bankruptcy Court.

6. The Plaintiff's Exhibits filed with the Bankruptcy Court and Admitted by Stipulation at Trial on June 22, 2007 and the List is attached and hereby incorporated for Inclusion.

4. Judgment of the Court dated and Entered August 7, 2007.

5. Plaintiff's Notice of Appeal filed August 17, 2007.

STATEMENT OF ISSUES

1. Did Judge Thomas E. Carlson abuse his discretion when he refused to allow Plaintiff's Attorney to address the Court to request a written Finding of Fact and Conclusions of Law after he made his oral Ruling Granting a Discharge to the Defendant/Debtor Pros Rivera.


2. Did Judge Carlson error and abuse his discretion in not considering the evidence and Ruling there was no fraud and allowing a Discharge of the Debtor when the undisputed testimony and documentary evidence in the form of a Deed of Trust signed by the Debtor attested that he held title as “Pros Robert Rivera, a married man as his sole and separate property” to 637 Sandy Hook Ct., Foster City, Ca. 94404 and later argued and confessed that he was only a fifty (50%) percent owner with his wife which resulted in more than a \$150,000.00 loss to the Plaintiff who was beneficiary of the Deed?

3. Did Judge Carlson error and abuse his discretion when he ruled there was no fraud and allowed a Discharge when the testimony of the Defendant/ debtor and documentary evidence verified that the Debtor/Defendant set up Nevada Corporations that were never capitalized, did business in California without registering as a foreign Corporation, solicited money from the Plaintiff for real estate projects that did not exist, and the money solicited was used by him personally and none of it used for any project?

4. Did Judge Carlson error and abuse his discretion when he ruled there was no fraud

1 and allowed a Discharge of the Defendant/Debtor , who was the President of the sham
2 Corporations, and who testified that he had more than seventeen(17) years experience as a Real
3 Estate Agent or Broker and many years experience managing Development Companies and
4 misrepresented facts to take a few Hundred Thousand Dollars from the Plaintiff, who has been a
5 Principal of an Oakland Public School?

6
7
8
9
10
11 Date: August 27, 2007


Willie E. Phillips
Attorney for Appellant/Plaintiff Cherie Ivey

FILED

JUN 22 2007

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Willie E. Phillips, #56009
LAW OFFICE OF WILLIE E. PHILLIPS
484 Lake Park Avenue, #335
Oakland, CA 94610

Tel: (510) 451-2222
Fax: (510) 451-2235

Attorney for Creditor Cherie Ivey

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (San Francisco)

In Re:
PROS RIVERA,
Debtor,

Case No.: 05-32090 TEC
CHAPTER 7

CHERIE IVEY,
Plaintiff,

Adversary Proceeding
No. 05-3441

vs.
PROS RIVERA,
Defendant.

PLAINTIFF'S LIST OF EXHIBITS IN THE
CASE OF CHERIE IVEY V. PROS RIVERA,
BANKRUPTCY CASE NO. 05-32090 TEC,
NORTHERN DISTRICT CALIFORNIA (San
Francisco) -(Amended to Correct Clerical
Error)

Judge: Judge, Thomas E. Carlson
Location: 23rd Floor
Action: TRIAL
Date: July 26, 2007
Time: 9:30a.m.

PLAINTIFF'S LIST OF EXHIBITS IN THE CASE OF CHERIE IVEY V. PROS RIVERA,
BANKRUPTCY CASE NO. 05-32090 TEC, NORTHERN DISTRICT
CALIFORNIA (San Francisco)

- Exhibit 1** Titan Endeavors, Inc. Articles of Incorporation and agent for service of Process.
Exhibit 2 Nevada Secretary of State summary of activities of Titan Endeavors, Inc and

1 corporation actions.

2 **Exhibit 3** Employment Agreement with Stock Options of Pros Rivera dated 5/9/2003 and
3 1/1/2004 stock certificate, Board Minutes, and Summary of Holding

4 **Exhibit 4** Complaint filed October 11, 2005, Cherie Ivey v. Pros Rivera Case No. 05-3441
5 TC , Complaint to Deny Discharge of Debtor Pros Rivera

6 **Exhibit 5** Note for \$300,000.00 dated January 26, 2005 and due February 26, 2006.

7 **Exhibit 6** Note for \$300,000.00 dated January 26, 2005 and due February 26, 2006.

8 **Exhibit 7** Deed of Trust recorded February 2, 2005 and dated January 27, 2005 in the amount
9 of \$300,000.00 secured by property of Pros Rivera for the benefit of Cherie Ivey
10 signed by Pros Rivera.

11 **Exhibit 8** Memorandum of Agreement dated January 28, 2005 and for payment to Cherie
12 Ivey of \$300,000.00 and two condominiums (value \$899,000.00 each), signed by
13 Pros Rivera and Jerry Diggs.

14 **Exhibit 9** Titan Endeavors, Inc. Corporate documents dated April 17, 2003, listing Pros
15 Rivera as President/CEO, Agent for service of summons, and Minutes dated
16 January 1, 2004, Stock Ledger Statement dated May 30, 2003.

17 **Exhibit 10** Commonwealth Land Title Company Closing Statement dated December 22, 2004
18 and signed by Pros Rivera.

19 **Exhibit 11** Document from Powerhouse Mortgage and Funding Co., LLC dated November 17,
20 2004 regarding \$17,575,000.00. Loan approval and Sell (San Mateo
21 property/Millbrae)

22 **Exhibit 12** Cashin Company letter dated November 22, 2004 regarding comparable values of
23 property (Millbrae Project), Fax of Powerhouse Mortgage Documents;
24 Commonwealth Land Title Closing Statement; Cashin Company fax; Ad in
25 Chronicle requesting \$150,000.00.

26 **Exhibit 13** Fax Memo hand written from Jerry Diggs promising \$300,000.00 out of Escrow
27 and Condominiums dated January 26, 2005.

28 **Exhibit 14** Bank of America check in the amount of \$150,000.00 from Cherie Ivey payable to
29 Titan Endeavors dated January 28, 2005.

30 **Exhibit 15** Fax copy dated March 29, 2005 of the Agreement between Titan Endeavors, Inc.

- 1 and Cherie Ivey for \$175,000.00; Agreement dated February 24, 2005; Bank of
2 America Wire Transfer of \$100,000.00 per Instruction.
- 3 **Exhibit 16** A Fax to Attorney Phillips addressed a Memo to Cherie Ivey dated May 5, 2005
4 seeking to have Cherie Ivey to Transfer \$225,000.00 plus \$95,000.00 for some
5 alleged merger; Sierra Condo Minimum Acquisition, Inc.; Memo dated May 2,
6 2005 regarding \$10,000,000.00 preferred shares signed by Jerry Diggs.
- 7 **Exhibit 17** Handwritten Memo signed April 24, 2004 provided to Cherie Ivey soliciting
8 \$225,000.00 to an attorney's Bank Account \$75,000.00 to Titan Endeavors, Inc.
9 trans shares regarding Sierra Condo Acquisitions; a letter dated March 3, 2005
10 from Sierra to Princeton Acquisitions; Finders Agreement; an Overview; Business
11 Plan, etc...
- 12 **Exhibit 18** Document print date March 1, 2005 regarding property located at 2697 Havens
13 Court Blvd, Oakland, California by Titan Endeavors as one of the company's
14 projects for investment.
- 15 **Exhibit 19** Document print dated March 1, 2005 regarding property located 2600 International
16 Blvd., Oakland, California sent by Titan Endeavors, Inc. as one of the company's
17 projects for investment.
- 18 **Exhibit 20** Business Summary of proposed Mass Housing Project in the Republic of the
19 Philippines dated August 21, 2003 used to solicit investment from Plaintiff.
- 20 **Exhibit 21** Secured Claim of Cherie Ivey filed October 4, 2005 in the amount of #313,069.80
21 per the Note dated January 26, 2005 and Deed of Trust against the Foster City,
22 California property of Pros Rivera.
- 23 **Exhibit 22** Unsecured Claim for \$2,098,000.00 filed October 4, 2005 seeking the Contract
24 Amount promised to Cherie Ivey by Pros Rivera in written Agreement dated
25 January 28, 2005.
- 26 **Exhibit 23** Unsecured Claim for \$175,000.00 filed October 6, 2005 seeking the amount turned
27 over by Cherie Ivey due to Fraud by Pros Rivera and his company associates in
28 writing signed February 24, 2005 and verifying documents.
- 29 **Exhibit 24** Unsecured Claim filed October 11, 2005 for \$150,000.00 for the money received
30 from Cherie Ivey by Pros Rivera as a fraud per written Agreement dated January

- 1 28, 2005.
- 2 **Exhibit 25** Notice of Pending Action filed and recorded against the real property of Pros
- 3 Rivera in Foster City, California on April 20, 2005.
- 4 **Exhibit 26** Supplemental Notice of Action Pending filed and Recorded on May 4, 2006 in
- 5 behalf of Cherie Ivey against property of Pros Rivera in Foster City, California.
- 6 **Exhibit 27** Amended Order by Bankruptcy Court entered May 22, 2006 to sell the Foster City,
- 7 California property of Defendant Pros Rivera per Chapter 7 Trustee Motion.
- 8 **Exhibit 28** E-mails from Chapter 7 Trustee Attorney Fallon dated June 6, 2006 indicating sale
- 9 of Foster City property produced \$146,135.90 with \$87,681.54 to Cherie Ivey. An
- 10 E-mail dated August 2, 2006 and supporting documents from Chicago Title
- 11 Company showing over-payment to the Trustee in the amount of \$38,018.82 and a
- 12 demand that Cherie Ivey repay \$9,504.58; A copy of Cherie Ivey check dated
- 13 September 15, 20006 payable to Chicago Title in the amount of \$9,504.70.
- 14 **Exhibit 29** Abstract of Judgment in San Mateo County Court filed on June 21, 2005 by
- 15 GMAC against Pros Rivera after Repossession of Luxury vehicles used by him &
- 16 his company to impress and defraud investors (Judgment was \$103,010.94)

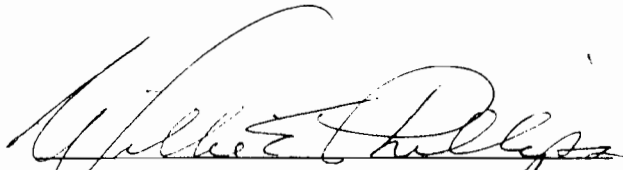
17

18

19 Dated: June 20, 2007

20

21

22 

23 Willie E. Phillips, Attorney for the Plaintiff

24 Cherie Ivey

25

26

27

28

29

30

FILED

AUG 30 2007

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Willie E. Phillips, #56009
LAW OFFICE OF WILLIE E. PHILLIPS
484 Lake Park Avenue, #335
Oakland, CA 94610

Tel: (510) 451-2222
Fax: (510) 451-2235

Attorney for Creditor Cherie Ivey

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (San Francisco)

In Re:
PROS RIVERA,
Debtor,

Case No.: 05-32090 TEC
CHAPTER 7

CHERIE IVEY,
Plaintiff,

Adversary Proceeding
No. 05-3441

vs.

PROOF OF SERVICE

PROS RIVERA,
Defendant.

PROOF OF SERVICE

I am a citizen of the United States, over the age of 18 years, and not a party to the within action. I am employed in the County of Alameda, State of California and my business address is 484 Lake Park Avenue, #335, Oakland, California 94610.

On August 27, 2007 I served the following:

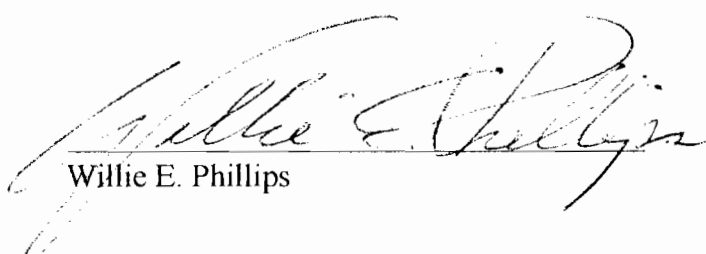
- **Designation of Contents for Inclusion in Record on Appeal and Statement of Issues on Appeal**

on the interested parties in this action by placing true and correct copies thereof, enclosed in envelope(s) addressed as follows:

Chris D. Kuhner, Esq.
KORNFIELD, PAUL & NYBERG, P.C.
1999 Harrison Street, Suite 2675
Oakland, California 94612
Fax: (510) 273-8669

- ☐ **BY U.S. MAIL:** I know that the documents(s) described above was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope(s) containing said documents(s) was sealed and, with postage thereon fully prepaid, placed for collection and mailing on the date, following ordinary business practices, in the United States mail at Oakland, California.
- ☒ **BY FAX:** I caused a true copy thereof to be transmitted via an electronic facsimile machine.
- ☐ **BY PERSONAL SERVICE:** I caused such envelopes(s) to be hand delivered to the above address(es).
- ☐ **BY OVERNIGHT DELIVERY:** I caused such envelope(s) to be delivered to the above addressee within 24 hours by overnight delivery service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Willie E. Phillips

FILED

AUG 30 2007

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Willie E. Phillips, #56009
LAW OFFICE OF WILLIE E. PHILLIPS
484 Lake Park Avenue, #335
Oakland, CA 94610

Tel: (510) 451-2222
Fax: (510) 451-2235

Attorney for Creditor/Plaintiff Cherie Ivey

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (San Francisco)**

In Re:

PROS RIVERA,

Debtor,

CHERIE IVEY,

Plaintiff,

vs.

PROS RIVERA,

Defendant.

**Case No.: 05-32090 TEC
CHAPTER 11**

**Adversary Proceeding
No. 05-3441**

**AMENDED NOTICE OF APPEAL TO
THE COURT OF APPEALS FROM A
JUDGMENT OF A BANKRUPTCY
JUDGE ENTERED IN AN ADVERSARY
PROCEEDING (TO CORRECT
CLERICAL ERRORS)**

**NOTICE OF APPEAL TO THE UNITED STATES DISTRICT COURT OF APPEALS
UNDER 28. U.S.C. 158(a)**

*The Plaintiff Cherie Ivey appeals to the United States Court of Appeals for the Ninth Circuit under 29 U.S.C. 158 (a) from a Final Judgment of the Bankruptcy Judge Thomas C. Carlson Entered in this Adversary Proceeding on **August 7, 2007**. The Adversary Proceeding was a Trial on the Plaintiff's Complaint for Non-Dischargeability of the Debtor/Defendant Pros Rivera based on a Fraudulent Deed and other fraudulent documents used to obtain a few hundred thousand dollars from the Plaintiff and the Bankruptcy Court Judges ruling in favor of the Defendant. The Adversary Proceeding No. 05-3441 is the proceeding from which this*

1 Appeal arises and relates to Bankruptcy Case No. 05-32090 TEC under Chapter 7 filed by the
2 Debtor Pros Rivera.

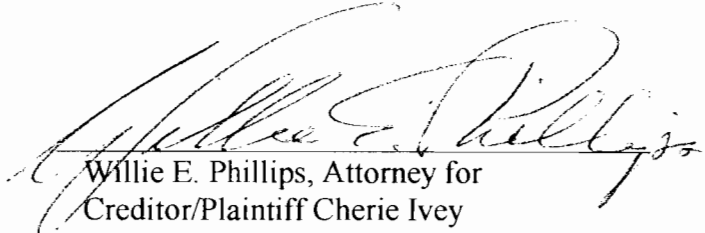
3 The names of all the Parties to the Judgment appealed from and the names and
4 addresses of their respective attorneys are as follows:

5
6 Willie E. Phillips,
7 Attorney for the Creditor/Plaintiff
8 Cherie Ivey
9 484 Lake Park Avenue, #335
10 Oakland, CA 94610
11 Telephone No.: (510) 451-2222

Chris d. Kuhner
Kornfield, Paul & Nyberg, P.C.
Attorney for the Debtor/Defendant
Pros Rivera
1999 Harrison Street, Suite 2675
Oakland, CA 94612
Telephone No.: (510) 763-1060

12 The undersigned Attorney for the Plaintiff mentioned above certifies that the Plaintiff
13 seeks prosecution of this Appeal directly to the United States Court of Appeals for the Ninth
14 Circuit under 28 U.S.C. 158 (c). A Separate Statement of Election to have this heard by the
15 United States District Court is being filed.

16 Dated: **August 29, 2007**

17
18
19 
20 Willie E. Phillips, Attorney for
21 Creditor/Plaintiff Cherie Ivey
22 484 Lake Park Avenue, #335
23 Oakland, California 94610
24 Telephone No.: 510-451-2222
25
26
27
28
29
30

FILED

AUG 30 2007

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Willie E. Phillips, #56009
LAW OFFICE OF WILLIE E. PHILLIPS
484 Lake Park Avenue, #335
Oakland, CA 94610

Tel: (510) 451-2222
Fax: (510) 451-2235

Attorney for Creditor/Plaintiff Cherie Ivey

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (San Francisco)**

In Re:

PROS RIVERA,

Debtor,

CHERIE IVEY,

Plaintiff,

vs.

PROS RIVERA,

Defendant.

**Case No.: 05-32090 TEC
CHAPTER 11**

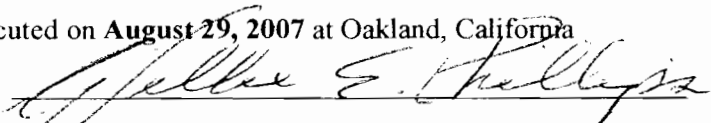
**Adversary Proceeding
No. 05-3441**

**AMENDED SEPARATE STATEMENT OF
ELECTION AT THE TIME OF FILING
THE NOTICE OF APPEAL UNDER 28
U.S.C. 158 (c)(1) TO THE DISTRICT
COURT OF APPEAL 28 U.S.C. 158 (c)(1)
(TO CORRECT CLERICAL ERRORS)**

SEPARATE STATEMENT OF ELECTION UNDER 28 U.S.C. 158 (c) (1)

I, Willie E. Phillips, Attorney for and in behalf of the Appellant/Creditor/Plaintiff Cherie Ivey, hereby declare that we Elect under 28 U.S.C. 158 (c) (1) to have this Appeal of the Judgment Entered on **August 7, 2007** in Adversary No. 05-3441, which arises out of the Chapter 7 case of the Debtor Pros Rivera under Bankruptcy Case No. 05-32090 TEC, to be heard by the United States Court of Appeals for the Ninth Circuit.

I declare under penalty of perjury that the foregoing is true and correct and that this **Amended** Separate Statement of Election was executed on **August 29, 2007** at Oakland, California


Willie E. Phillips, Attorney for the Appellant Cherie Ivey

FILED

AUG 30 2007

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Willie E. Phillips, #56009
LAW OFFICE OF WILLIE E. PHILLIPS
484 Lake Park Avenue, #335
Oakland, CA 94610

Tel: (510) 451-2222
Fax: (510) 451-2235

Attorney for Creditor/Plaintiff Cherie Ivey

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA (San Francisco)

In Re:

PROS RIVERA,

Debtor,

CHERIE IVEY,

Plaintiff,

vs.

PROS RIVERA,

Defendant.

**Case No.: 05-32090 TEC
CHAPTER 11**

**Adversary Proceeding
No. 05-3441**

**AMENDED DESIGNATION OF
CONTENTS FOR INCLUSION IN
RECORD ON APPEAL AND
STATEMENT OF ISSUES ON APPEAL
(TO CORRECT CLERICAL ERRORS)**

The Plaintiff herein, Cherie Ivey, filed an Appeal on August 17, 2007 and hereby files this as her **Amended** Designation of Contents for Inclusion in the Record on Appeal, and Statement of Issues on Appeal.

The following shall be included in the **RECORD ON APPEAL**:

1. Plaintiff's Complaint to Determine Dischargeability
2. Defendant's Answer
3. The entire transcript of the one day Bankruptcy Trial that took place on **June 27, 2007** in the Bankruptcy Court of Judge Thomas E. Carlson.

1 4. The entire Deposition of Pros Rivera taken on May 22, 2007 and submitted to the Court
2 for Trial.

3 5. The Plaintiff's Trial Brief filed with the Bankruptcy Court.

4 6. The Plaintiff's Exhibits filed with the Bankruptcy Court and Admitted by Stipulation at
5 Trial on **June 27, 2007** and the List is attached and hereby incorporated for Inclusion.

6 7. Judgment of the Court dated and Entered on August 7, 2007

7 8. Plaintiff's Notice of Appeal filed on August 17, 2007

8
9 **STATEMENT OF ISSUES**

10 1. Did Judge Thomas E. Carlson abuse his discretion when he refused to allow Plaintiff's
11 Attorney to address the Court to request a written Finding of Fact and Conclusion of Law after
12 he made his oral Ruling Granting a Discharge to the Defendant/Debtor Pros Rivera?

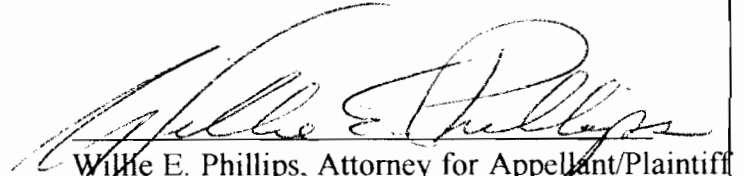
13 2. Did Judge Carlson error and abuse his discretion in not considering the evidence and
14 Ruling there was no fraud and allowing a Discharge of the Debtor when the undisputed
15 testimony and documentary evidence in the form of a Deed of Trust signed by the Debtor
16 attested that he held title as "Pros Robert Rivera, a married man as his sole and separate
17 property" to 637 Sandy Hook Ct., Foster City, CA 94404 and later argued and confessed that
18 he was only a fifty (50%) percent owner with his wife which resulted in more than a
19 \$150,000.00 loss to the Plaintiff who was beneficiary of the Deed?

20 3. Did Judge Carlson error and abuse his discretion when he ruled there was no fraud and
21 allowed a Discharge when the testimony of the Defendant/Debtor and documentary evidence
22 verified that the Debtor/Defendant set up Nevada Corporations that were never capitalized, did
23 business in California without registering as a foreign Corporation, solicited money from the
24 Plaintiff for real estate projects that did not exist, and the money solicited was used by him
25 personally and none of it used for any project?

26 4. Did Judge Carlson error and abuse his discretion when he ruled there was no fraud and
27 allowed a Discharge of the Defendant/Debtor, who was President of the sham Corporations,
28 and who testified that he had more than seventeen (17) years experience as a Real Estate Agent
29 or Broker and many years experience managing Development Companies and misrepresented
30

1 facts to take a few Hundred Thousand Dollars from the Plaintiff, who **was** a Principal of an
2 Oakland Public School?

3
4 Date: **August 29, 2007**

5
6 
7 Willie E. Phillips, Attorney for Appellant/Plaintiff
8 Cherie Ivey
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

FILED

AUG 30 2007

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Willie E. Phillips, #56009
LAW OFFICE OF WILLIE E. PHILLIPS
484 Lake Park Avenue, #335
Oakland, CA 94610

Tel: (510) 451-2222
Fax: (510) 451-2235

Attorney for Creditor Cherie Ivey

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (San Francisco)

In Re:

PROS RIVERA,

Debtor,

CHERIE IVEY,

Plaintiff,

vs.

PROS RIVERA,

Defendant.

Case No.: 05-32090 TEC
CHAPTER 7

Adversary Proceeding
No. 05-3441

PROOF OF SERVICE

PROOF OF SERVICE

I am a citizen of the United States, over the age of 18 years, and not a party to the within action. I am employed in the County of Alameda, State of California and my business address is 484 Lake Park Avenue, #335, Oakland, California 94610.

On August 30, 2007 I served the following:

- **Amended Separate Statement of Election at the Time of Filing The Notice of Appeal Under 28 U.S.C. 158 (c) (1) To the District Court of Appeal 28 U.S.C. 158 (c) (1) (To Correct Clerical Errors)**
- **Amended Notice of Appeal to The Court of Appeals From a Judgment of A Bankruptcy Judge Entered In An Adversary Proceeding (To Correct Clerical Errors)**

1 ▪ **Amended Designation of Contents For Inclusion In Record On Appeal and**
2 **Statement of Issues On Appeal (To Correct Clerical Errors)**

3 on the interested parties in this action by placing true and correct copies thereof, enclosed in envelope(s)
4 addressed as follows:

5 Chris D. Kuhner, Esq.
6 KORNFIELD, PAUL & NYBERG, P.C.
7 1999 Harrison Street, Suite 2675
8 Oakland, California 94612
9 Facsimile: (510) 273-8669

10 [] **BY U.S. MAIL:** I know that the documents(s) described above was deposited with the
11 United States Postal Service on the same day this declaration was executed in the ordinary
12 course of business. I know that the envelope(s) containing said documents(s) was sealed and,
13 with postage thereon fully prepaid, placed for collection and mailing on the date, following
14 ordinary business practices, in the United States mail at Oakland, California.

15 [X] **BY FAX:** I caused a true copy thereof to be transmitted via an electronic facsimile machine
16 between the hours of 8:30 a.m. and 5:30 p.m.

17 [] **BY PERSONAL SERVICE:** I caused such envelopes(s) to be hand delivered to the above
18 address(es).

19 [] **BY OVERNIGHT DELIVERY:** I caused such envelope(s) to be delivered to the above
20 addressee within 24 hours by overnight delivery service.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing is
22 true and correct.

23
24
25
26 
27 Willie E. Phillips
28
29
30